THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No. 3472 of 2007

Dated 16th July 2007

Between:

Gorrella Veera Suri Apparao & others

... Petitioners

and

M/s. Power Grid Corporation of India Ltd.,
Rep.by its Chief Engineer, Rjahmundry.

... Respondent

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O R D E R:

The petitioners are the owners of land in Survey Nos.76/6C, 76/7B and 76/8D of Bhoopalapatnam village of Rajanagaram Mandal, East Godavari District. The respondent proposed to lay a 400 KVD/C LILO line, from Vijayawada Thermal Power Station to Gajuwaka. The line is to be laid across the land of the petitioners. The grievance of the petitioners is that the procedure prescribed under the law was not followed, before fixing the alignment, and substantial extent of the property would be rendered useless, if the line is laid as per the present alignment. They claim to have made a representation, dated 6.2.2007, to the respondent, pointing out the grievance, and complain that no action has been taken thereon.

The respondent filed a counter affidavit. It is stated that the alignment of the line was fixed, duly taking all the relevant factors, into consideration. It is alleged that the procedure prescribed under the Electricity Act, 2003 and the Telegraph Act was followed, and if the petitioners have any grievance, they can ventilate the same, in accordance with the procedure stipulated under the Telegraph Act.

Heard learned counsel for the petitioners and learned Standing Counsel for the respondent.

The procedure to be followed for laying the electric line was somewhat different, before Electricity Act 2003 was enacted. Under the Electricity (Supply) Act, 1948, whenever a line is to be laid, the approval was to be obtained from the competent authority, and during that process, the aggrieved persons were entitled to put forward their grievances. However, that enactment was repealed, through Electricity Act 2003, and the only provision, which now deals with the subject matter, is Section 164 thereof. The requirement of approval of scheme is done away with. The provisions of the Telegraph Act are made applicable. Therefore, the aggrieved party can, at best, claim compensation for the damage suffered by him and a line can be laid, without the need to acquire any land. The issue was considered by this court, in ***B.KRISHNA MANDADI v. POWER GRID CORPORATION OF INDIA LTD., HYDERABAD***[1], and the matter is no longer *res integra*.

Learned counsel for the petitioners submits that there is a possibility for changing the alignment, without resulting in extra cost, or efficiency, and even if the change of alignment, as claimed by them, is to result in any extra expenditure, they are prepared to bear it. This court cannot give any specific direction, in this regard, except that the

respondent shall take into account, the representation submitted by the petitioners.

Hence, the writ petition is disposed of, directing that while proceeding with the erection of towers and laying the line, the respondent shall take into account, the representation of the petitioners, as provided for under Section 17 of the Telegraph Act. It is also made clear that in case, the petitioners suffered any damage, it shall be open to them to claim it, in accordance with law. There shall be no order as to costs.

16th July 2007
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[1] 2003(5) ALD 194